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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 002286

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SUBJECT: EXECUTIONS RESUME IN THAILAND AFTER SIX YEAR

BREAK: TWO METHAMPHETAMINE DEALERS DIE BY LETHAL INJECTION

BANGKOK 00002286 001.2 OF 002

Classified By: POL Counselor George Kent, reason 1.4 (b,d)

¶1. (SBU) SUMMARY: On August 24, the Royal Thai Government (RTG) executed two Thai drug traffickers by lethal injection after their request for a King's pardon was rejected; these were the first executions in Thailand since 2003. The overall Thai reaction was a shrug; there remains high societal support for the death penalty in Thailand, particularly for large-scale drug traffickers. In contrast, human rights groups and the European Union immediately registered their disappointment with the news, having clearly perceived the intervening six years since Thailand's last executions -- of four drug traffickers -- as a moratorium building towards possible abolition of the death penalty. Neither the prisoners themselves nor other interested parties were given much notice prior to their execution, a result of the applicable Thai death penalty provisions. END SUMMARY

DEAD MEN WALKING

¶2. (SBU) Convicted drug traffickers Bundit Charoenwanich and Jirawat Phumpruek were executed by lethal injection in Bangkok's Bang Kwang prison on August 24th. These executions were the first judicially-sanctioned killings in Thailand since 2003, and only the fifth and sixth lethal injections in the country since Thailand switched from execution by firing squad earlier that year. The two men were first arrested for large-scale trafficking of methamphetamines in 2001; given the lengthy mandatory appeals process associated with death penalty cases, the Supreme Court did not uphold their conviction until June 28, 2007. Following the Supreme Court's decision, the prisoners exercised their right to submit a petition for royal pardon.

¶3. (SBU) The Thai Constitution gives the King the discretion to grant a pardon, and in practice the King can also decide whether to release the prisoner, commute the sentence, or reduce the punishment. In this instance, the King rejected the petition for pardon of the two male defendants on August 10, 2009, but commuted the death sentence of their female co-defendant, who remains in a women's prison. (Note: There was no mention of the female defendant's pardon, let alone her identity, in local or international media coverage. End Note.)

LOCAL APPROBATION; NGO, EURO CONDEMNATION

¶14. (SBU) Aside from the criticism from the usual suspects, the overall reaction to the executions in Thailand was relatively muted. Longtime Thailand observers and human rights lawyers believe that not only is there overwhelming support for the death penalty in Thailand, but the execution of drug traffickers in particular is perceived as especially justified.

¶15. (SBU) Local NGOs and Amnesty International quickly joined the EU in condemning the resumption of executions in Thailand. Citing UN conventions, they not only took issue with use of the death penalty writ large, but also questioned its application in conjunction with drug crimes. The NGOs also condemned the fact that the prisoners were reportedly given as little as one to two hours notice before their executions.

¶16. (SBU) Most Thai believe that while a murder only has an impact on the victim's family, drug trafficking has a detrimental effect on Thai society and the nation as a whole, according to longtime Thailand observer Bill Klausner. That said, the resumption of executions was not intended to send a particular message to drug traffickers, Director General of the Department of Corrections (DOC) Nathee Chitsawang suggested to us, but rather a function of statistics. According to the DOC, 92 of the 128 prisoners on death row who have exhausted the appeals process were convicted of drug-related crimes (including 12 of the 13 women).

¶17. (SBU) As to the issue of the short notice provided to prisoners, DG Nathee and other DOC officials did not perceive that as a deprivation of human rights, but rather as a humanitarian gesture. According to DOC representatives,

BANGKOK 00002286 002.2 OF 002

shortening the timeframe prevents suffering associated with waiting, which can lead to escape attempts, suicide, or mental distress. In this instance, the condemned prisoners spent their final two hours praying with Buddhist monks, calling family members, and putting their final affairs in order. Legally speaking, the DOC views its mandate as relatively straightforward: the law requires the execution immediately after the rejection of the petition for pardon by the King. In this case, after the petition was rejected on August 10th, it took approximately two weeks for it to pass from the King through government channels to the DOC. As soon as the DOC received the petition on August 24th, the executions were swiftly carried out.

PARDON ME...

¶18. (C) The mechanics of the royal pardon are just as opaque as most other aspects of Palace affairs. Human rights attorney Thongbai Thongpao recalled that the King in the past has issued pardons even in controversial cases. In the 1960s for example, the King pardoned a Communist Party member who killed a police officer during fighting in the jungle after the Communist had already served 13 years in prison.

¶19. (C) But the Thai system has always treated drug cases differently. Director General Nathee and others within DOC did not speculate why this particular pardon petition -- as opposed to the other 33 death penalty petitions currently before the King -- was addressed first. As far as the two-year deliberation process was concerned, the DOC would only say that each case required different levels of investigation by the King's private office, and that the King's fragile health slowed down the process even more. Also contributing to the six-year gap between executions was the King's royal amnesty collectively pardoning approximately 28,500 prisoners on the occasion of his 80th birthday in December 2007.

¶10. (C) Many government and civil society members speculate

the King will use the occasion of his 84th birthday (December 5, 2011) to issue another collective Royal Pardon, if he lives that long (Note: An 84th birthday would be an especially auspicious occasion for Buddhists, marking the end of his seventh 12-year life cycle. End Note.) Citing rumors of his declining health, Chulalongkorn University professor Suthachai Yimprasert speculated that the King might issue a collective pardon on his birthday this December in order to "make merit."

...ACCEPTING ONE'S KARMA

¶11. (SBU) Anti-death penalty activists like Thongbai argue that the death penalty contravenes Buddhist teaching, which requires that its adherents refrain from taking life. However, as Bill Klausner related to us, Thai society has long reconciled itself to these contradictions. Klausner noted that in 1918, as a Thai contingent headed to Western Europe to join the World War I fight on the side of the Allies, a patriarch gave a famous sermon in which he explained why Thai soldiers could kill and still adhere to Buddhist principles. This also reflected an acknowledgment, even in this overwhelmingly Buddhist populace, that state security is paramount in the secular world.

¶12. (SBU) The Union for Civil Liberty in Thailand completed a campaign for death penalty abolition in Buddhist learning centers in 2009. While some Buddhist monk participants agreed that the death penalty was inconsistent with Buddhist prohibitions of killing and the idea of making restitution, another participant articulated the more dominant view of Thai Theravada Buddhism and karma as practiced: "All creatures on the earth are subject to Fate and are ruled by its outcome and circumstances. Those who do what is right will achieve good, those who do what is evil will suffer evil."

JOHN